THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27905 OF 2005

DATED:29.12.2005

Between:

H. Sudhakar Rao and others

…Petitioners

And

The Joint Collector, Ranga Reddy District

at Hyderabad and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27905 OF 2005

ORDER:

The petitioners 1 and 2 herein purchased house sites admeasuring 200 Sq.yards each, and petitioners 3 and 4 purchased house sites admeasuring 400 Sq.yards and 300 Sq.yards respectively, in the land comprised in S.Nos.43, 44, 57 and 58, situated at Old Bowenpally, Balanagar Mandal, Ranga Reddy District. It appears the land was allegedly in possession of one Ahmed Gori, a protected tenant entitled to rights under A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, the Act). After his death, respondents 3 to 17 herein filed an application under Section 32(1) and Section 40 of the Act before the Mandal Revenue Officer, Balanagar, for grant of succession as well as restoring possession to them. Second respondent herein and fourteen others were shown as persons in possession of the

land. The Mandal Revenue Officer after conducting due enquiry allowed the application filed by the contesting respondents and directed the Revenue Inspector to put them in possession under Section 32(1) of the Act. Aggrieved by the said order dt.4.5.2002, second respondent herein filed an appeal under Section 90 of the Act before the first respondent being Case No.F2/6582/2002. The case was coming up for hearing. On 7.12.2005 the second respondent herein filed an application for withdrawal of the appeal whereupon the first respondent granted such permission and dismissed the appeal as withdrawn. Be it noted, the petitioners herein were shown as respondents 28 to 31 in the appeal before the first respondent. Aggrieved by orders of first respondent dt.7.12.2005 dismissing the appeal as withdrawn, present Writ Petition is filed.

It is contended that as the petitioners purchased the property from the second respondent for a valuable consideration, and second respondent was contesting the right of respondents 3 to 17 being successors of title of second respondent, the petitioners ought to have been allowed to step into the shoes of the appellant by the first respondent. This Court is afraid, the submission is misconceived.

The dispute before the Mandal Revenue Officer in the application filed under Section 32(1) and 40 of the Act is in relation to the properties in S.No.58 (new) admeasuring Ac.0.29 gts., S.No.43 (new) admeasuring Ac.0.29 gts., S.No.143 (new) admeasuring Ac.1.30 gts. The petitioners 1 and 2 purchased small extents of house sites subsequent to passing of the orders by the Mandal Revenue Officer, whereas the petitioners 3 and 4 purchased small extents of house sites prior to passing of the orders by the Mandal Revenue Officer. Further, when the orders were passed by first respondent, petitioners herein, as respondents 28 to 31 therein, were very much represented by a counsel and they did not raise any objection. Therefore, this Writ Petition is misconceived. However, it shall be open to the petitioners to independently agitate for their rights by filing separate appeals under Section 90 of the Act before the first respondent. As and when such appeals are filed, it shall be open to the first respondent to entertain the appeals and pass appropriate orders in accordance with law after giving notice to all the parties interested in the land.

The Writ Petition with the above observations is accordingly disposed of.

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(V.V.S.RAO, J)

29.12.2005

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